



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 24, 1995

Mr. Mario Aguilar
Senior Attorney
Texas Department of Housing
and Community Affairs
P.O. Box 13941
Austin, Texas 78711-3941

OR95-660

Dear Mr. Aguilar:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30262.

The Texas Department of Housing and Community Affairs (the "department") received a request for copies of reports relating to a particular condominium project which was purchased in accordance with the Affordable Housing Disposition Program. The requestor seeks the number of rented units, number of units occupied by low-income housing occupants, rents charged per unit, particular rent charged to low-income housing occupants, and the name of the alleged occupant of each unit. You have released most of the information to the requestor. However, you claim that the names of the occupants are excepted from required public disclosure pursuant to section 552.101 and "applicable federal statutes."

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You have not cited any particular statute which would except the information from disclosure. Nor are we aware of any statute which would except the names of occupants from disclosure.

Section 552.101 also excepts information from required public disclosure pursuant to the doctrines of constitutional and common-law privacy. For information to be protected from public disclosure under the common-law right of privacy as section 552.101 incorporates it, the information must meet the criteria set out in *Industrial Foundation v. Texas Industrial Accident Board*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The *Industrial Foundation* court stated that

information ... is excepted from mandatory disclosure under Section 3(a)(1) as information deemed confidential by law if (1) the information contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public.

540 S.W.2d at 685; Open Records Decision No. 142 (1976) at 4 (construing former V.T.C.S. art. 6252-17a, § 3(a)(1)). In *Industrial Foundation*, the Texas Supreme Court considered intimate and embarrassing information such as that relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. 540 S.W.2d at 683.

We assume that you are claiming that release of the names would implicate the privacy interests of the occupants. However, disclosure of a person's name and home address is not an invasion of privacy. Open Records Decision No. 554 (1990) at 3. Additionally, release of the names and addresses of former residents of public housing developments is not excepted by constitutional or common-law privacy. Open Records Decision No. 318 (1982). Information indicating residence in this condominium project does not meet the standard which *Industrial Foundation* requires for information to be withheld under common-law privacy. *Id.* Nor do the names and addresses fall into any of the "zones of privacy" which would require that the information be withheld from required disclosure pursuant to constitutional privacy. *Id.* You must release the information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Loretta DeHay". The signature is fluid and cursive, with the first name "Loretta" being more prominent than the last name "DeHay".

Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/LMM/rho

Ref.: ID# 30262

Enclosures: Submitted documents

cc: Mr. Frank E. McLain
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(w/o enclosures)